

STATE OF IOWA

CHESTER J. CULVER, GOVERNOR PATTY JUDGE, LT. GOVERNOR

DEPARTMENT OF HUMAN SERVICES
KEVIN W. CONCANNON, DIRECTOR

October 26, 2007

GENERAL LETTER NO. 11-F-AP-3

ISSUED BY: Bureau of Collections,

Division of Child Support, Case Management and Refugee Services

SUBJECT: Employees' Manual, Title 11, Chapter F, *INCOME WITHHOLDING*

APPENDIX, Contents (page 1), revised; page 4, revised, and the following

forms:

470 1916	Order for Income Withholding, revised
470/2622	Result of Conference Regarding Income Withholding, revised
470/2623	Acknowledgment of Request for Informal Conference, revised
470 2624	Initiation of Income Withholding/Medical Support Enforcement,
	revised
470 2637	Order for Income Withholding, revised
470-2819	What You Should Know About Immediate Income Withholding,
	revised
470 2864	Order for Income Withholding, revised
470 2865	Order for Income Withholding, revised

Summary

This chapter is revised to reflect form changes to:

- Remove the amount to withhold from the orders for income withholding. The amount is given on the income withholding notice. This change will streamline the process of updating the amount to withhold, since the order will not need to be reissued.
- Update the policy on nondiscrimination on the following forms:
 - 470/2622, Result of Conference Regarding Income Withholding
 - 470 2624, Initiation of Income Withholding/Medical Support Enforcement
- ◆ Make minor wording changes on forms 470/2623, Acknowledgement of Request for Informal Conference, and 470-2819, What You Should Know About Immediate Income Withholding, revised.

Effective Date

Immediately.

Material Superseded

Remove the following pages from Employees' Manual, Title 11, Chapter F, Appendix, and destroy them:

<u>Page</u>	<u>Date</u>
Contents (page 1)	January 19, 2007
470 1916 (before p. 1)	6/99
470/2622 (after p. 2)	4/95
4	January 19, 2007
470/2623	4/95
470 2624 (after p. 4)	2/06
470 2637	6/99
470-2819 (after p. 8)	2/05
470 2864 (after p. 16)	6/99
470 2865 (after p. 18)	6/99

Additional Information

Refer questions about this general letter to your regional collections administrator.

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470/2622, Result of Conference Regarding Income Withholding	2
470/2623, Acknowledgment of Request for Informal Conference	3
470 2624, Initiation of Income Withholding/Medical Support Enforcement	4
470 2637, Order for Income Withholding	5
470/2683, Income Withholding Notice Inquiry	6
470 2688, Termination of Order for Income Withholding	7
470-2819, What You Should Know About Immediate Income Withholding	8
470/2821, Written Agreement for Payment of Support	9
470/2829, Decision on Request for Income Withholding	10
470-2830, Decision on Exemption From Immediate Income Withholding	
470 2834, Termination of Order for Income Withholding	12
470 2839, Obligor Notice of Termination	13
470 2857, Termination of Order for Income Withholding	14
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470 2865, Order for Income Withholding	18
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470/2949, Proof of Service of Income Withholding Order	21
470/2951, Proof of Service of Income Withholding Order	22
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470/3179, Amounts Improperly Withheld and Forwarded	24
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S479H730-A. Case Delinquency Programming Generation Totals	30

BEFORE THE	BUREAU OF COLLECTIONS, DEI	PARTMENT OF HUMAN SERVICES COUNTY
Petitioner,)))) NO) ORDER FOR :) PURSUANT TO))	INCOME WITHHOLDING 252D.16A)
Respondent.)	
following: 1. That 2. The obligor has THE WITHHOLDING OF PURSUANT TO IOWA CO The obligor's in the sums suffice the Child Support and the obligor case #	is the obligor last a legal obligation to pay INCOME IS ADJUDGED AND ENTODE CHAPTER 252D. Income provider shall deduction to pay the support of the recovery Unit in a notation in the support of and transmit a check for a Services Center as a services Center as a service of the support of the services Center and transmit a check for a service of the services Center as a service of the support	y support. TERED AGAINST THE OBLIGOR ct from the obligor's income bligation, as designated by ice sent to the payor of income or this obligor by the total sum to be isted in the Order/Notice to
_		

470 1916 (REV. 09/2006)

NOTICE TO THE OBLIGOR

You may move to quash an income withholding order or a notice of income withholding by filing a motion to quash with the clerk of court.

- 1. Grounds for contesting a withholding order include the following:
 - a. A mistake of fact which, for purposes of a motion to quash, means an error in the amount withheld for payment, or the amount of the withholding, or the identity of the obligor.
 - b. For immediate income withholding only, good cause or a written agreement existed when the withholding was implemented.

PLEASE NOTE: A motion to quash is not a method to modify current child support or address issues of visitation.

- 2. The clerk of the district court shall schedule a hearing on the motion to quash for a time not later than seven days after the filing of the motion to quash and the notice of the motion to quash. The clerk shall mail to the parties copies of the motion to quash, the notice of the motion to quash, and the order scheduling the hearing.
- 3. The income provider shall withhold and transmit the amount specified in the order or notice of the order of income withholding to the Collection Services Center, until the notice that a motion to quash has been granted is received.

Iowa Department of Human Services

RESULT OF CONFERENCE REGARDING INCOME WITHHOLDING

	Date Notice Prepared:		
	Case Number: #		
	Worker:		
	Child Support Recovery Unit		
	Tel		
	d for an informal conference with us (the Child Support Recovery Unit) about income g because:		
	You are not the person ordered to pay support.		
	There is an error in the current support due.		
	You want to request hardship consideration.		
	You did not owe the amount of delinquent support when we issued the income		
	withholding notice.		
	The amount to be withheld is wrong.		
П	entered the support order. The employer or income provider withheld the wrong amount.		
_	The employer of income provider withheld the wrong amount.		
You □ did	□did not attend the conference. As a result, we:		
	Rescheduled the conference for the following date, time and place. This is your one opportunity for a rescheduled conference.		
	Date: Time: Place or telephone number:		
	Place or telephone number:		
	Considered the evidence and decided that:		
_	☐ The income withholding amount is correct and will remain in effect.		
	☐ The income withholding will be revoked because it is incorrect.		
	☐ The request for hardship has been ☐ approved. ☐ denied.		
	☐ Your income qualifies you for hardship; however, your support is already lowe than the calculated hardship amount.		
	☐ The amount of withholding will change to:		
	\$ per for current support.		
	\$ per for current support. \$ per for delinquent support.		
	☐ The employer or income provider incorrectly withheld income. We will issue a		
	refund in the amount of \$ ☐ Your employer/income provider withheld income correctly. There is no refund		
	due you.		
			

Note: The results of this conference do not affect your right to file a motion to quash the income withholding with the court.

Policy Regarding Discrimination, Harassment, Affirmative Action and Equal Employment Opportunity

It is the policy of the Iowa Department of Human Services (DHS) to provide equal treatment in employment and provision of services to applicants, employees, and clients without regard to race, color, national origin, sex, religion, age, disability, political belief or veteran status.

To file a complaint or concern, please contact DHS at:

Iowa Department of Human Services, Diversity Program Unit, 1305 E. Walnut Street, Des Moines IA 50319-0114; fax (515) 281-4243; or email: stopit@dhs.state.ia.us.

Iowa Department of Human Services

ACKNOWLEDGMENT OF REQUEST FOR INFORMAL CONFERENCE

	Date Notice Prepared:
	Case Number:
	Worker:
	Child Support Recovery Unit
	Tel
You asked for an informal conference with us (t ☐ an order for income withholding. ☐ whether a conference as follows:	
so that we receive it before the telephone confe	Send or bring in evidence you want us to consider erence scheduled for: ne:
We will contact you at:	
☐ You asked for an in-person conference. We Date: Pla	scheduled this conference for:
Time:	
A list of subjects we can discuss is below. You You may represent yourself or be represented be the conference in writing.	must give evidence to support your position. by an attorney. We will inform you of the results
☐ You are not entitled to a conference because	e

Issues we can discuss at the conference are:

For any *Income Withholding Order*, whether there is an error in:

- The identity of the person ordered to pay support.
- The current support due.

For **Orders Resulting From a Delinquency**, whether:

- The amount of delinquent support was wrong when we entered the order.
- The amount of withholding is wrong.
- The hardship criteria are met.

For an *Immediate Income Withholding Order*, whether you were exempt from immediate income withholding when the court entered the order.

For *Overpayments*, whether your employer or income provider withheld the wrong amount.

For *Hardship*, whether your gross yearly income is less than 200% of the poverty income for one person. In order for our office to see if you meet the hardship criteria, you must supply us with proof of your income. This proof of income may include any of the following:

- At least three payroll stubs from your current income provider,
- A letter from your employer listing your salary per hour, and the average number of hours worked in each pay period, or
- A current W2 form

470 2624, Initiation of Income Withholding/Medical Support Enforcement

n		
Pur	po	se

Use form 470 2624, Initiation of Income Withholding/Medical Support *Enforcement*, to:

- ♦ Advise the payor that an order/notice of income withholding was recently mailed to the income withholder; and
- Provide the legal rights and responsibilities to the payor regarding income withholding.

Source

ICAR generates this form automatically through a nightly batch program when an IWO is sent to an income provider.

Completion

ICAR completes this form at the same time form 470 3272, Order/Notice to Withhold Income for Child Support, is sent to the income provider.

Distribution

Send a copy by first-class mail to the payor.

Data

ICAR enters the following information:

- ♦ Payor's name and address
- Date ICAR generated the form
- Case number
- Name, address, and telephone number of the Unit
- Whether the Unit entered or changed an IWO, or sent a notice of income withholding to the income provider
- ◆ Type of income withholding order sent to the income provider
- ♦ Whether the notice provides for health insurance
- ♦ Income providers receiving the notice of IWO

Iowa Department of Human Services INITIATION OF INCOME WITHHOLDING/MEDICAL SUPPORT ENFORCEMENT

Date Notice Prepared: _____

Ca	ase Number:
Ch	nild Support Recovery Unit
_	·
Te	el.:
This is to tell you that we (the Child Suppo	ort Recovery Unit):
Entered or changed an income withholding	ng order.
Sent an Order/Notice of Income Withhold	ding for Child Support
(notice) (form 470 3272) to your employ	yer or income provider.
The withholding is:	
Immediate (required upon the entry of n	new or modified orders)
Mandatory (required when there is a del	linquency)
Amended (required because of a change	e in certain circumstances)
Lump-sum (used when income is irregula	ar)
In addition, (when marked 'X') we are enforce	cing health insurance as
required by your support order.	
Health Insurance Enforcement	
We sent an income withholding notice to the	following employers or income
providers:	2 2 1
-	

For obligations we are enforcing, our records show the child support balance is $_$ as of $_$. We can make no statement about whether you owe additional interest. Only a court can make a binding balance determination.

According to Iowa Code Chapter 252D, your employer or income provider must withhold and send to the Collection Services Center the amount listed for support in the income withholding notice. By law your employer or income provider must withhold these payments until otherwise notified by the court or us.

NOTE: YOU ARE LEGALLY RESPONSIBLE FOR ALL SUPPORT PAYMENTS AS STATED IN YOUR SUPPORT ORDER. You are liable for any payments that the employer or income provider fails to withhold.

If you think this income withholding or health insurance enforcement is not correct, there are two ways you can contest it. One is an informal conference with us. The other is a court action called a Motion to Quash. You may file a motion to quash no matter what happens at a conference with us. If you are contesting income withholding and health insurance enforcement, these two issues may be heard at the same time. The following sections provide more information on how to contest income withholding and health insurance enforcement.

INCOME WITHHOLDING - REQUESTING AN INFORMAL CONFERENCE

If you want a conference with us to talk about income withholding, you must put your request in writing and send it to the address listed on the first page of this notice. You can have a conference when we first send the income withholding notice and each time we change the total amount of withholding. YOU ARE NOT ENTITLED TO A CONFERENCE EVERY TIME WE SEND AN INCOME WITHHOLDING NOTICE TO A NEW INCOME PROVIDER.

We must receive your request within 15 days from the date on the first page of this notice if you are:

- a. Contesting IMMEDIATE INCOME WITHHOLDING for one of the following reasons:
 - 1. You think that good cause is an issue regarding the withholding order, or you have a written agreement for other payment arrangements.
 - 2. You think we did not handle a prior request for Immediate Income Withholding appropriately.
- b. Contesting MANDATORY INCOME WITHHOLDING because you think a smaller amount should be withheld from your income for past due support because of hardship. (If hardship is approved, it does not affect the amount being withheld for current support. Hardship only affects the amount withheld to pay past due support.) To qualify for hardship, your GROSS INCOME MUST BE LESS THAN \$19,600 PER YEAR, which is 200% of the poverty level income for one person. In order to claim hardship, please send proof of your income with your request to us. Proof of income may include any of the following:
 - 1. Copies of your last three (3) pay check stubs, or
 - 2. A letter from your employer listing your salary per hour and average number of hours worked in each pay period, or
 - 3. A current W2 form.
 - 4.

YOU MAY REQUEST HARDSHIP AT ANY TIME IF YOU ARE DISABLED AND RECEIVING SSD (social security disability) or SSI (supplemental security income disability), EVEN IF IT IS LATER THAN 15 DAYS FROM THE DATE OF THIS NOTICE.

NOTE: YOU MAY NOT CLAIM HARDSHIP FOR LUMP SUM INCOME WITHHOLDING.

You may request a conference at any time if:

a. You are not the person responsible for paying child support in this case.

- b. The amount of the current support obligation is stated incorrectly in the income withholding notice.
- c. The amount of delinquent support is in error.

After receiving your written request, we will schedule a conference within 15 days. The conference may be by telephone or in person. If you want a telephone conference, provide the telephone number where we can reach you. If you would rather just send us your documents, we will review them and notify you of the results in writing.

INCOME WITHHOLDING - MOTION TO QUASH INFORMATION

Grounds for contesting income withholding are:

- a. A mistake of fact, which means an error in the amount of current or delinquent support or the identity of the obligor.
- b. A delinquency did not occur or has been paid.
- c. FOR IMMEDIATE INCOME WITHHOLDING ONLY. An approved written agreement was implemented under Iowa Code section 252D.8.

You may file a motion to quash the income withholding with the clerk of the district court. Under Iowa Code section 252D.31, the clerk must schedule a hearing on the motion for a time not later than seven days after you file the motion and notify the parties of the hearing. However, you may wish to verify that the clerk has scheduled the hearing. Please send us a copy of the motion and order scheduling the hearing.

HEALTH INSURANCE ENFORCEMENT

Your child support order may require you to provide health insurance. If your support order includes health insurance, we are notifying your employer to enroll your dependents in a health insurance plan and withhold from your income the necessary health insurance premiums. If you are required to provide health insurance, your employer may have to enroll you in the health insurance plan in order to enroll your dependents. The enforcement of health insurance is provided for in Iowa Code Chapter 252E.

If your employer does not offer health insurance, we will end enforcement. However, you are still responsible for health insurance as stated in your order. If you do not currently meet health insurance eligibility requirements, we will continue enforcement when you become eligible.

HEALTH INSURANCE ENFORCEMENT - REQUESTING AN INFORMAL CONFERENCE

If you want to have a conference with us, send your written request to the address listed on the first page of this notice. You may contest enforcement of health insurance for one of the following reasons:

- a. You are not the person responsible for providing health insurance coverage in this case.
- b. You are already providing health insurance coverage for your dependent.
- c. There is no dependent coverage available to you.
- d. The dependent coverage available to you is not accessible to the child because of where the child lives.
- e. Your order does not require you to provide health insurance coverage.

After receiving your written request, we will schedule a conference within 15 days. The conference may be held by telephone or in person. If you want a telephone conference, provide the telephone number where we can reach you. If you would rather just send us your documents, we will review them and notify you of the results in writing.

HEALTH INSURANCE ENFORCEMENT - MOTION TO QUASH INFORMATION

You may file a motion to quash the enforcement of health insurance with the clerk of court of the district court. Iowa code sections 252E.6A and 252D.31 direct the clerk to schedule a hearing on the motion for a time not later than seven days after the motion is filed and notify the parties of the hearing. However, you may wish to verify with the clerk that a hearing has been scheduled. Please send us a copy of the motion and order scheduling the hearing.

You can file a motion to quash health insurance enforcement if:

- a. You think we made a mistake of identity (you think we have the wrong person).
- b. You think there is an error in the amount withheld.
- c. You think there is a mistake in the availability of the health insurance because coverage is not accessible to the child based on where the child lives.

NOTE: Even if we are unable to enforce health insurance, you are financially responsible for the health insurance as stated in your order.

Iowa Department of Human Services
Policy Regarding Discrimination, Harassment, Affirmative Action,
and Equal Employment Opportunity

It is the policy of the Iowa Department of Human Services (DHS) to provide equal treatment in employment and provision of services to applicants, employees, and clients without regard to race, color, national origin, sex, religion, age, disability, political belief, or veteran status.

To file a complaint or concern, please contact DHS at:

Iowa Department of Human Services, Diversity Program Unit, 1305 E. Walnut Street, Des Moines, IA 50319; fax 515-281-4243; or email: stopit@dhs.state.ia.us.

BEFORE THE BUREAU OF COLLECTIONS, DEPARTMENT OF HUMAN SERVICES IN AND FOR COUNTY

IN THE INTEREST OF)	
)	JUVENILE NO.
)	
)	ORDER FOR INCOME WITHHOLDING
)	PURSUANT TO 252D.16A
)	
)	
A CHILD)
			Recovery Unit on theday of the records in this case shows the
following:			
	is		
2. The obligor ha	s a legal obligat:	ion t	to pay support.
PURSUANT TO IOWA C The obligor's sums sufficien Foster Care Re the obligor; i	ODE CHAPTER 252D. income provider sl t to pay the suppo covery Unit in a se dentify all paymen	hall ort o notic nts f heck ces C	
Requirements for i Withhold Income fo	r Child Support (:	form	Asted in the Order/Notice to 470 3272). er Care Recovery Unit
			·

ORDER FOR INCOME WITHHOLDING (FOSTER CARE page 2) NOTICE TO THE OBLIGOR

You may move to quash an income withholding order or a notice of income withholding by filing a motion to quash with the clerk of court.

- 1. Grounds for contesting a withholding order include the following:
 - a. A mistake of fact which, for purposes of a motion to quash, means an error in the amount withheld for payment, or the amount of the withholding, or the identity of the obligor.
 - b. For immediate income withholding only, good cause or a written agreement existed when the withholding was implemented.

PLEASE NOTE: A motion to quash is not a method to modify current child support or address issues of visitation.

- 2. The clerk of the district court shall schedule a hearing on the motion to quash for a time not later than seven days after the filing of the motion to quash and the notice of the motion to quash. The clerk shall mail to the parties copies of the motion to quash, the notice of the motion to quash, and the order scheduling the hearing.
- 3. The income provider shall withhold and transmit the amount specified in the order or notice of the order of income withholding to the Collection Services Center, until the notice that a motion to quash has been granted is received.

Iowa Department of Human Services WHAT YOU SHOULD KNOW ABOUT IMMEDIATE INCOME WITHHOLDING

DATE:CASE NUMBER:REGARDING:	FROM: Child Support Recovery Unit
	Tel.

This notice contains important information about payment of support. If you are a custodial parent, this form is being sent for informational purposes only. Please keep for future reference.

What Immediate Income Withholding Is

Immediate income withholding (IIW) means that support payments are withheld directly from income. IIW is required by state¹ and federal law². It is an effective way to make sure that children who need support receive it at the times and in the amounts stated in the support order.

How Immediate Income Withholding Is Done

The Child Support Recovery Unit ("the Unit") enters an income withholding order, which is a separate order that requires the employer or income provider to withhold an amount for current support and any other periodic amount. We send notice of the withholding order to the employer or income provider and to the parent ordered to provide support. We send a new notice to the employer when a parent becomes delinquent in a support obligation by the amount payable for one month.

Exemptions From Immediate Withholding

Good Cause

The court or the Unit may determine that there is "good cause" for not requiring IIW. When we determine "good cause" for IIW, it means that the parent ordered to provide support has posted a secured bond equal to the total amount of support that is or may become due under the terms of the support order. For example, if a new order is entered which requires the parent to pay \$100.00 per month, and the obligation will continue for 24 months, the parent may be found to have good cause by posting a bond for \$2,400.00.

Written Agreement

The court or the Unit may determine that IIW is not required if the parties reached an agreement providing for an alternate arrangement. The agreement must be in writing, agreed to by all parties to the support order and made a part of the court record. It must clearly state that the parent ordered to provide support intends to make all payments in the amount, frequency and manner specified in the order. The parties may establish a written agreement by completing form 470-2821, Written Agreement of Payment of Support. This form is available from the Unit upon request. Whether or not this form is used, a written agreement must contain substantially the same provisions.

If support payments become assigned to the state due to the receipt of public assistance, the state is considered a necessary party to the order. A written agreement or any other existing agreements before the date of assignment are void unless we approved it.

Establishing Good Cause or a Written Agreement

If you want to establish good cause or a written agreement, you must provide us with needed documents within 15 days of receiving this notice or notice of our intent to establish or modify a support order.

If you have questions, contact the office listed at the top of this notice.

² 45 CFR 303.100

¹ Iowa Code Chapter 252D.8-252D.10, 252D.17; Iowa Administrative Code, 441-98.31-98.37

IN AND FOR _____ COUNTY) NO.) ORDER FOR INCOME WITHHOLDING) PURSUANT TO 252D.16A Petitioner, vs. Respondent. FOR_____COUNTY))) NO.) ORDER FOR INCOME WITHHOLDING) PURSUANT TO 252D.16A Petitioner, vs. Respondent. FOR _____COUNTY _____)) NO.) ORDER FOR INCOME WITHHOLDING) PURSUANT TO 252D.16A Petitioner, vs. Respondent.

BEFORE THE BUREAU OF COLLECTIONS, DEPARTMENT OF HUMAN SERVICES

ORDER FOR INCOME WITHHOLDING (TRIPLE-CAPTIONED page 2)

This matter comes before the Child Support Recovery Unit on theday of
,, An examination of the records in this case shows the
following:
1. Thatis the obligor herein.
2. The obligor has a legal obligation to pay support.
THE WITHHOLDING OF INCOME IS ADJUDGED AND ENTERED AGAINST THE OBLIGOR
PURSUANT TO IOWA CODE CHAPTER 252D.
The obligor's income provider shall deduct from the obligor's income
the sums sufficient to pay the support obligation, as designated by
the Child Support Recovery Unit in a notice sent to the payor of income
and the obligor; identify all payments for this obligor by
case #; and transmit a check for the total sum to be
deducted to:
Collection Services Center
PO Box 9125
Des Moines, IA 50306-9125
Requirements for income providers are listed in the Order/Notice to
Withhold Income for Child Support (form 470 3272).
Child Support Recovery Unit

ORDER FOR INCOME WITHHOLDING (TRIPLE-CAPTIONED page 3)

NOTICE TO THE OBLIGOR

You may move to quash an income withholding order or a notice of income withholding by filing a motion to quash with the clerk of court.

- 1. Grounds for contesting a withholding order include the following:
 - a. A mistake of fact which, for purposes of a motion to quash, means an error in the amount withheld for payment, or the amount of the withholding, or the identity of the obligor.
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PLEASE NOTE: A motion to quash is not a method to modify current child support or address issues of visitation.

- 2. The clerk of the district court shall schedule a hearing on the motion to quash for a time not later than seven days after the filing of the motion to quash and the notice of the motion to quash. The clerk shall mail to the parties copies of the motion to quash, the notice of the motion to quash, and the order scheduling the hearing.
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		LECTIONS, DEPARTMENT OF HUMAN SERVICES COUNTY
Petitioner, vs.		NO ORDER FOR INCOME WITHHOLDING PURSUANT TO 252D.16A
Respondent.)	
	FOR	COUNTY
Petitioner,		NO. ORDER FOR INCOME WITHHOLDING PURSUANT TO 252D.16A
Respondent.	_)	
	An examinat	ld Support Recovery Unit on theday of ion of the records in this case shows the
		gation to pay support.

THE WITHHOLDING OF INCOME IS ADJUDGED AND ENTERED AGAINST THE OBLIGOR PURSUANT TO IOWA CODE CHAPTER 252D.

The obligor's income provider shall deduct from the obligor's income the sums sufficient to pay the support obligation, as designated by the Child Support Recovery Unit in a notice sent to the payor of income and the obligor; identify all payments for this obligor by case #______; and transmit a check for the total sum to be deducted to:

Collection Services Center PO Box 9125

Des Moines, IA 50306-9125

Requirements for income providers are listed in the Order/Notice to Withhold Income for Child Support (form 470 3272).

Child Support Recovery Unit

NOTICE TO THE OBLIGOR

You may move to quash an income withholding order or a notice of income withholding by filing a motion to quash with the clerk of court.

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